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12 IN THE UNITED STATES DISTRICT COURT
13
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,) No. CR 10-00525 SBA
18 Plaintiff,)
19 vs.) STIPULATION AND [PROPOSED]
20) ORDER
21 RODEL MILLANES,) Date: November 12, 2010
22 Defendant.) Time: 10:00 a.m.
23) Courtroom: 4
24)
25)
26)

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18 The above-captioned matter is set on November 12, 2010 before the duty magistrate
19 judge for a status hearing. The parties jointly request that this Court continue the matter to
20 December 2, 2010, at 9:30 a.m. before the duty magistrate judge for a status hearing or change of
21 plea. The parties further request that the Court exclude time under the Speedy Trial Act, 18
22 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between the date of this Stipulation and December 2, 2010.

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24 Mr. Millanes is charged in a one-count indictment with a violation of 18 U.S.C. 1038(a)
25 – False Information and Hoaxes. He has not yet made his initial appearance before the district
26 court. The status of the matter is that the government has provided the defense with discovery,
and both the defense and the government are conducting investigation. In addition, the defense
is performing legal research on issues relating to the charged offense in order to effectively

ORDER

2 GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, IT IS
3 HEREBY ORDERED that the status date in this case, currently scheduled for November 12,
4 2010, before the duty magistrate judge is VACATED and RESET to December 2, 2010, at 9:30
5 a.m. for a status or change of plea before the duty magistrate judge.

6 IT IS FURTHER ORDERED that the time from the date of this Order to December 2,
7 2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.
8 §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends
9 of justice served by the granting of the continuance outweigh the best interests of the public and
10 the defendant in a speedy and public trial and the failure to grant the requested continuance
11 would unreasonably deny counsel the reasonable time necessary for effective preparation, taking
12 into account due diligence, given the need for the parties to conduct investigation and the need
13 for the defense to conduct legal research.

14 | SO ORDERED.

16 || DATED: November 12, 2010

LIBC

LAUREL BEELER
United States Magistrate Judge